

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

TOY HELICOPTER SOLUTIONS LLC

Plaintiff,

v.

THE ASHLEY COLLECTION, INC.,

Defendant.

Case No. 1:19-cv-8292 -LGS

**PLAINTIFF TOY HELICOPTER SOLUTIONS LLC'S ANSWER TO DEFENDANT
THE ASHLEY COLLECTION, INC.'S ANSWER, AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS**

Plaintiff Toy Helicopter Solutions LLC ("THS" or "Plaintiff") files this Answer to Defendant The Ashley Collection, Inc.'s ("Defendant") Answer, Affirmative Defenses, and Counterclaims. All of Defendant's affirmative defenses are denied. Any allegations or affirmative defenses not expressly admitted herein are denied.

COUNTERCLAIMS

In response to Defendant's counterclaims, THS states as follows:

PARTIES

1. THS admits the allegations contained in paragraph 1.
2. THS admits the allegations contained in paragraph 2.

JURISDICTION AND VENUE

3. THS admits the allegations contained in paragraph 3.
4. THS admits the allegations contained in paragraph 4.

FACTUAL BACKGROUND

5. THS admits the allegations contained in paragraph 5.

6. THS admits that in its Complaint for Patent Infringement it asserts that Defendant has infringed, and continues to infringe, the '176 Patent by selling a toy helicopter. THS denies all other allegations contained in paragraph 6.

COUNT ONE

Declaratory Judgment of Non-Infringement of the U.S. Patent No. RE47,176

7. THS incorporates by reference herein its responses to paragraphs 1-6.
8. THS admits the allegations contained in paragraph 8.
9. THS denies the allegations contained in paragraph 9.
10. THS denies the allegations contained in paragraph 10.
11. THS denies the allegations contained in paragraph 11.

COUNT TWO

Declaratory Judgment of Invalidity of U.S. Patent No. RE47,176

12. THS incorporates by reference herein its responses to paragraphs 1-11.
13. THS admits the allegations contained in paragraph 12.
14. THS admits that Defendant seeks a judicial declaration, but denies that such declaration is appropriate or warranted. THS denies all other allegations contained in paragraph 13.

PRAYER FOR RELIEF

Responding to Defendant's prayer for relief, THS denies that Defendant is entitled to any relief and specifically denies all of the allegations contained in paragraphs a-f of its prayer for relief against Plaintiff. WHEREFORE, Plaintiff denies that Defendant is entitled to any relief whatsoever and Plaintiff requests the relief requested in its Complaint.

DATED: October 22, 2019

By: /s/ Timothy E. Grochocinski
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 22, 2019 a true and correct copy of the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Timothy E. Grochocinski